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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,056	05/27/2000	Gary Steven Strumolo	199-2102	1057

32996 7590 01/09/2004

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EXAMINER

ROBINSON, MARK A

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/580,056

Applicant(s)

STRUMOLO ET AL.

Examiner

Mark A. Robinson

Art Unit

2872

AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Prosecution Application

The request filed on 9/17/02 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/580,056 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Objections

1. Claims 25-27 are objected to because of the following informalities: in claim 25 "said housing" lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynam 6522451 in view of Marhauer 4306770.

Lynam shows in fig. 5G a vehicle mirror assembly including shroud(40) which contains a mirror having a first half(55) proximate the vehicle with a continuously varying curvature and a planar second half(50) distal to the vehicle, a score line(65) separating the two halves, and a switch(37--see col. 6) for causing mirror movement. Lynam does not teach the mirror height to vary between the claimed values. However, as Lynam's curved portion varies continuously, modification or designation of his curvature to vary between the claimed values would have been obvious to the ordinarily skilled artisan at the time of invention in order to allow for a gradual and more comfortable change between the distorted and non-distorted portions of the mirror. Further, Lynam teaches that an *additional* curved portion may be added next to the planar portion (see col. 16 lines 55-), but does not teach a score line to be resident upon the first half of the mirror. However, Marhauer teaches a mirror with a planar portion(7) next to multiple curved portions(9,10) which may have varying curvatures and are separated by a score line (i.e. the score line is resident upon the "curved" half of the mirror as seen in figs. 2 and 4). It would have been obvious to the ordinarily skilled artisan at the

time of invention to include the multiple curved portions separated by a score line as shown by Marhauer in Lynam's mirror device in order to allow for a gradually changing field of view wherein the regions with differing curvature are separated by lines so as to avoid confusion among the various views. Note that the various regions respectively provide true and false measures of distance, and that curvature and radius of curvature are necessarily inversely proportional.

Regarding method claims 25-27, although not specifically taught by the references, alignment of the score line with a rear portion of the vehicle would have been obvious at the time of invention since mirror alignment is routinely and necessarily performed by a driver in such a manner to adjust the mirror to his personal needs or preferences.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kanazawa shows a mirror having portions separated by a scope line.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (703) 305-3506.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn, can be reached at (703) 305-0024. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MR

1/6/04


MARK A. ROBINSON
PRIMARY EXAMINER